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J.P.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/013, 490 01/26/98 TUZHILIN

A 2011/13

TM11/1012

EXAMINER

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

LEE, T

ART UNIT

PAPER NUMBER

2155

DATE MAILED:

10/12/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/013,490	TUZHILIN ET AL.	
	Examiner	Art Unit	
	Tammy T. Lee	2758 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) Responsive to communication(s) filed on 26 January 1998.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 38-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 38-77 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:
1. received.
2. received in Application No. (Series Code / Serial Number) _____.
3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 18) Interview Summary (PTO-413) Paper No(s) _____.
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: _____

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DETAILED ACTION

1. Claims 38-77 are presented for examination.

Drawings

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. Appropriate correction is required.
3. The drawings are objected to because boxes in the first figure should be labeled. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102((e), f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 38-77 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Breese et al. (hereinafter Breese), U.S. Patent no. 6,006,218 in view of Gerace et al (hereinafter Gerace) U.S. patent no. 5,848,396.

7. As per claim 38, Breese discloses that an apparatus for monitoring information on a network, comprising:

a storage device storing a predefined criterion (collaborative filters using historical information on a large number of individuals preferences and information on the attributes and preferences of a particular user, col. 2, line 65-col. 3, line 22), and having a monitoring module (monitoring a user's activities, e.g. Internet site access over a period of time, col. 8, lines 1-14) thereon; and

the monitoring module to transmit at least one instruction (the user attributes, the user preferences and/or the user's existing knowledge via the user input, col. 8, lines 1-49) to the network, the at least one instruction requesting a performance of a monitoring operation to monitor the information on the network as a function of the predetermined criterion (the Internet browser application may provide information on which sites a user likes based on a user's

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frequent access of certain sites and information on a user's actual knowledge by keeping a list of sites previously visited by the user, col. 8, lines 1-49).

Breese teaches the invention substantially as claimed; however, Bresse does not disclose that a processing device executing the monitoring module and said processing device is adapted to receive data from the network based on at least one result of the monitoring operation.

Gerace discloses that a processing device (a data assembly or agate data assembly 71, fig 2) executing the monitoring module (a tracking and profiling member or user profile member 73, fig 2, holds a history and/or pattern of user activity, col. 2, lines 18-21) and said processing device is adapted to receive data from the network based on at least one result of the monitoring operation (a data assembly for displaying customized agate information to a computer user in accordance with the profile of the user, col. 2, lines 10-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Breese and Gerace for providing a system with a processing device to receive data from the network because it would allow the system to generate and to display appropriate screen views to the user based on the created psychographic profile of the user.

8. As per claim 39, Gerace discloses the processing device provides the at least one result to at least one user (col. 2, lines 10-42).

9. As per claim 40, Breese teaches the information includes at least one event which is used for detecting a change on the network (the information database to be searched, is obtained, via the user input device 170, col. 8, lines 15-27).

10. As per claim 41, Breese teaches the information includes at least one condition (about the user's attributes, preferences, actual knowledge and/or previous search, col. 8, lines 28-42).

11. As per claim 42, Breese discloses that the information includes at least one event and at least one condition, and wherein the predefined criterion is a rule-based criterion which enables the monitoring operation to monitor for the at least one event on the network and to check if a certain condition of the at least one condition is satisfied (col. 8, lines 1-42).

12. As per claim 50, Breese discloses the monitoring operation is performed on a client station (output devices 148, fig 1).

13. As per claim 51, Gerace discloses the processing device performs the monitoring operation (col. 2, lines 10-42).

14. As per claim 52, Gerace discloses the at least one result includes a copy of at least one monitored predicate (col. 6, lines 48-65).

15. As per claim 53, Gerace teaches the at least one result includes a copy of a portion of at least one monitored predicate (col. 6, lines 48-65).

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16. As per claim 54, Breese teaches that the monitoring operation is performed by exploring particular data on client sites which are connected to the network (fig 1 and col. 1, line 49-col. 2, line 50).

17. Claims 58-62 and 70-74 have similar limitations as claims 38-42 and 50-54; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. As per claim 43, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose that the rule-based criterion includes: at least one of a WHEN portion and an IF portion, and a THEN portion, and wherein the THEN portion includes a probing action which has at least one probing operator.

Official notice is taken that the rule-based criterion includes: at least one of a WHEN portion and an IF portion, and a THEN portion, and wherein the THEN portion includes a probing action which has at least one probing operator is well known.

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20. As per claim 44, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose that the probing operator includes at least one of: a particular query, a data mining query, and a further condition which provides the information based on at least one of the WHEN portion and the IF portion.

Official notice is taken that the probing operator includes at least one of: a particular query, a data mining query, and a further condition which provides the information based on at least one of the WHEN portion and the IF portion is well known.

21. As per claim 45, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose that the IF portion includes the at least one condition which is complex.

Official notice is taken that the IF portion includes the at least one condition which is complex is well known.

22. As per claim 46, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose that the at least one complex condition includes at least one of: an atomic condition, and a combination atomic conditions.

Official notice is taken that the at least one complex condition includes at least one of: an atomic condition, and a combination atomic conditions is well known.

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23. As per claim 47, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose the atomic condition includes at least one literal portion.

Official notice is taken the atomic condition includes at least one literal portion is well known.

24. As per claim 48, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose the atomic condition includes at least one binary past temporal operator.

Official notice is taken the atomic condition includes at least one binary past temporal operator is well known.

25. As per claim 49, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose the atomic condition includes at least one unary past temporal operator.

Official notice is taken the atomic condition includes at least one unary past temporal operator is well known.

26. As per claim 55, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose the at least one event includes at least one of: an atomic event, and a combination of events.

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Official notice is taken that the at least one event includes at least one of: an atomic event, and a combination of events is well known.

27. As per claim 56, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose the at least one event is one of an instantaneous event and an event which extends over a period of time.

Official notice is taken that the at least one event is one of an instantaneous event and an event which extends over a period of time is well known.

28. As per claim 57, Breese and Gerace disclose the invention substantially as claimed; however, Breese and Garace do not disclose the WHEN portion is used to monitor for an occurrence of at least one event.

Official notice is taken that the WHEN portion is used to monitor for an occurrence of at least one event is well known.

29. Claims 63-69 and 75-77 have similar limitations as claims 43-49 and 55-57; therefore, they are rejected under the same rationale.

Response to Arguments

30. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

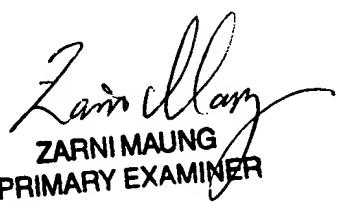
32. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Failure to respond within the period for response will result in Abandonment of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Lee whose telephone number is 703-308-9119. The examiner can normally be reached on Mon-Fri (9:30am-6:00pm). If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648.

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The fax phone numbers for the organization where this application or proceeding is 703-305-7201. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Tammy T. Lee
Patent Examiner
October 2, 2000



ZARNI MAUNG
PRIMARY EXAMINER